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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/838,878	04/20/2001	Stephen Nabeil Malik	9192-2	3309

7590 03/25/2005

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EXAMINER

SMITH, TRACI L

ART UNIT	PAPER NUMBER
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3629

DATE MAILED: 03/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/838,878

Applicant(s)

MALIK, STEPHEN NABEIL

Examiner

Traci L Smith

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01/26/2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-49 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-49 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

1. This action is in response to papers filed on January 26, 2005.
2. Claims 1-49 are pending.
3. Claims 1, 8, 18, 25, 34 and 41 have been amended.
4. Claims 1-49 are rejected.
5. Applicant's arguments with respect to claims 1-49 have been considered but are moot in view of the new ground(s) of rejection.

1. Claim 1-4, 6-14, 16-21, 23-30, 32-37, 39-46 and 48-49 rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 5 542 420, Goldman et al. Aug. 6 1996 'Personalized method and system for Storage, communication, analysis and processing of health related data in view of US Patent 6 589 169 B1 Surwit et al. Filed Dec. 23, 1999; 'Systems, methods and computer program products for monitoring, diagnosing and treating medical conditions of remotely located patients undergoing anticoagulation therapy.

6. As to claims 1, 8, 18, 25, 34 and 41 Goldman teaches a method, system and medium of:

- a. Accepting patient information via a client device(C.23 I.65-67)
- b. Catagorizing the person based on entered information(C.4 item (d)).
- c. Service providers viewing entered information(C.4 I. 58-60).
- d. Secure area where information is accessible by client device(C.3 I. 40-44)

However, Goldman fails to teach the client communication device over a web-based system. Surwit teaches a system and method for monitoring, treating and diagnosing

patients remotely via the internet.(C. 6 I. 50-51). It would have been obvious to one skilled in the art at the time of invention to combine the teaches of Surwit with Goldman so as to continue to integrate technology into the current communication and data processing systems to enhance availability of medical personal by an individual.

8. As to claims 2,9,19,26,35 and 42 Goldman teaches allowing access to a secure area.(C. 18 I. 22-24 and Fig. 6 Ref 108). Surwit teaches the secure area via TCP/IP protocol. It would have been obvious to one skilled in the art at the time of invention to combine the teachings of Surwit with Goldman so as to allow for individuals the ability to share private information strictly with the doctor. The examiner makes not that the practice of having a website with a securing area for transmitting information is old and well known in the art. Examples of e-commerce, purchasing items of the internet with a credit card. They encrypt the data when it is sent in order to not be view by outside individual.

2. As to claims 4, 11, 21, 28, 37 and 44 Goldman teaches information entered in a predetermined format. The parameters are set asking for specific information such that the individual can enter the specific parameters(C. 3 I. 65-67 & C. 4 I. 4-9). Goldman further teaches multiple individuals inputting "Select" items used to construct a file. (C. 9 I. 38-42.) The select items implies that these items are predetermined as a necessary item required to construct the file.

3. As to claims 6, 23 and 39 Goldman teaches the professional service provider as a health care provider(C.4 I. 58-60).

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4. As to claims 7, 16, 24, 32, 40, 42 and 48 Goldman teaches assigning person based on attributes.(C. 12 I.42-44).

5. As to claims 12, 29 and 45 Goldman teaches a communicating a prescription to a pharmacy.(C. 4 I,25-29).

6. As to claim 13, 30 and 46 Goldman teaches a method of communicating lab services to a lab(C. 17 I. 56-59)

7. As to claim 14 Goldman teaches receiving lab test results(C. 17 I. 61-63)

8. As to claims 17, 33 and 49 Goldman teaches the patient selecting prescription(c.15 I.9-11)

9. As to claims 3, 10, 20, 27, 36 and 43 Goldman teaches providing medical diagnosis and treatment over a network. However, Goldman fails to teach notifying a person that the service provider had provided information. Surwit teaches communication with the patient when a service has been provided(C.3 I. 15-18). It would have been obvious to one skilled in the art at the time of invention to combine the teaches of Surwit with Goldman so as to allow the patient to be aware of the provided information regardless of when and where they are and not have to wait at network device for a response.

10. Claims 5, 15, 22, 31, 38 and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 5 542 420, Goldman et al. Aug. 6 1996 'Personalized method and system for Storage, communication, analysis and processing of health related data in view of US Patent 6 589 169 B1 Surwit et al. Filed Dec. 23, 1999; 'Systems, methods and computer program products for monitoring, diagnosing and

treating medical conditions of remotely located patients undergoing anticoagulation therapy in further view of "Community Health networks: Healthcare technology for the 21st century; Aug. 15, 1999; Vital Speeches of the Day; Calvin Wiese, hereinafter referred to as Wiese.

11. As to claims 5, 15, 22, 31, 38 and 47 Goldman teaches medical diagnosis and analysis on a network. Wiese teaches a health identity service that allows a healthcare facility to positively identify a user at every involvement. It would have been obvious to one skilled in the art at the time of invention to combine the teaches of Wiese with Goldman and Surwit so as to continue to be compliant with HIPPA and allow confidentiality of the persons health records.

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

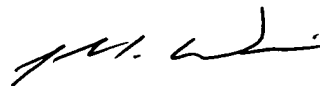
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Traci L Smith whose telephone number is (703)605-1155. The examiner can normally be reached on Monday-Thursday 6:00 am-4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on 703.308-2702. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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